

Brian F. Kenney (VSB# 23199)  
Miles & Stockbridge, P.C.  
1751 Pinnacle Drive  
Suite 500  
McLean, VA 22102  
(703) 610-8664  
(703) 610-8670 (Facsimile)  
bkenney@milesstockbridge.com

**UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Alexandria Division**

IN RE: VIJAY K. TANEJA	)	
	)	Case No. 08-13293-SSM
Debtor in Possession	)	Chapter 11
	)	
	)	

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**RESPONSE OF VIRGINIA COMMERCE BANK  
TO MOTION FOR RELIEF FROM THE  
AUTOMATIC STAY OF GHA, INC.**

Virginia Commerce Bank (“VCB,” or “the Bank”), by counsel, hereby responds to the Motion for Relief from the Automatic Stay of GHA, Inc. (“GHA”), as follows:

1. The *NRM Investments, Inc.* bankruptcy case (Case No. 08-13290-SSM) was filed on June 9, 2008. It is being jointly administered under the *In re: Vijay Taneja* case, Case No. 08-12393-SSM.

2. VCB is a secured and unsecured lender in this case. VCB has a lien on, and security interest in, all of the properties that are the subject of GHA’s Motion, with the exception of the Mahima property (Motion, ¶ 5(b)).

3. VCB has standing in this contested matter, pursuant to 11 U.S.C. § 1109(b).

4. VCB does not oppose the Motion, with respect to any property that has not been sold pursuant to an Order of this Court. However, the following two properties have been sold, pursuant to Orders of the Court:

- (a) 4620 Holly Avenue; and
- (b) 4614 Holly Avenue.

5. In both cases, the Orders approving the sales provided that the properties were being sold free and clear of liens, including any mechanic's liens. Escrows have been set up, and the mechanic's liens have attached to the escrows.

6. The Court should grant limited relief only with respect to the above two properties. Specifically, the Court should not grant relief from the automatic stay to permit the claimant to file lawsuits to enforce its lien claims against the properties. Rather, the Court should permit the claimant to file actions, whether in this Court or in State Court, to pursue the claimant's rights, if any, against the escrowed funds. The only party with an interest in the escrowed funds would be the Trustee as the estate representative, and VCB.

WHEREFORE, Virginia Commerce Bank prays that the Court grant the movant limited relief with respect to the properties that have closed, i.e., to pursue the claimant's rights, if any, to the escrowed funds only, and not to pursue claims against properties that have been sold free and clear of all liens.

Respectfully submitted,

Virginia Commerce Bank  
By counsel

**Miles & Stockbridge, P.C.**

1751 Pinnacle Drive

Suite 500

McLean, VA 22102

Telephone: 703-610-8664

Facsimile: 703-610-8686

E-mail: [bkenney@milesstockbridge.com](mailto:bkenney@milesstockbridge.com)

By: /s/ Brian F. Kenney

Brian F. Kenney (VSB #23199)

*Counsel for Virginia Commerce Bank*

## **CERTIFICATE OF SERVICE**

I hereby certify that I caused to be sent via electronic mail, a true and accurate copy of the foregoing **Response of Virginia Commerce bank to Motion for Relief from the Automatic Stay of GHA, Inc.**, to the following persons this 9<sup>th</sup> day of December 2008:

*Chapter 11 Trustee:*

H. Jason Gold

Email: [jgold@wileyrein.com](mailto:jgold@wileyrein.com)

*Counsel for the Chapter 11 Trustee:*

Alexander McDonald Laughlin

Email: [alaughlin@wileyrein.com](mailto:alaughlin@wileyrein.com)

*Counsel for the Creditors Committee:*

Lawrence E. Rifken

Email: [lrifken@mcguirewoods.com](mailto:lrifken@mcguirewoods.com)

*Office of the U.S. Trustee:*

Frank J. Bove

Email: [frank.j.bove@usdoj.gov](mailto:frank.j.bove@usdoj.gov)

*Counsel for the Jointly Administered Debtors:*

Bruce W. Henry

Email: [bwh@henrylaw.com](mailto:bwh@henrylaw.com)

*Counsel for GHA, Inc.:*

Timothy J. McGary

Email: [tjm@mcgary.com](mailto:tjm@mcgary.com)

/s/ Brian F. Kenney

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